

**COMMON COUNCIL OF THE CITY OF NEW ALBANY
RESOLUTION RELATING TO THE SETTLEMENT OF LITIGATION
PENDING AGAINST THE CIVIL CITY OF NEW ALBANY
AND THE COMMON COUNCIL THEREOF**

WHEREAS: litigation has been instituted by various-named individuals against the Civil City of New Albany and the Common Council thereof in the United States District Court for the Southern District of Indiana styled Peter Vogt, et al. v. Common Council of the City of New Albany, Cause No. 4:06-CV-0076-JDT-WGH

and

WHEREAS: the City and the Common Council wish to resolve such litigation as expediently and with as little expense to all concerned as possible;

and

WHEREAS: the Council had previously approved a proposed Consent Decree by Resolution R-07-35;

and

WHEREAS: the Council now believes that the terms of the attached Consent Decree would be more favorable to the City and to its citizens and further believes and has reason to believe that the attached proposed Consent Decree will be acceptable to the Plaintiffs;

and

WHEREAS: the Council believes that any redistricting of the City accomplished pursuant to the attached Consent Decree would be fairer and more equitable;


NOW THEREFORE:

Be it resolved as follows:

1. Resolution R-07-35 shall be and it is hereby rescinded, revoked and held for naught;
2. The terms of the Consent Decree appended hereto shall be, and they are hereby, approved by the Council; and

3. Mr. Gahan shall be, and he is hereby, authorized to agree to same and to sign such documents as may be necessary to carry into effect the terms of same.


PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana this _____ day of _____, 2008.


JEFFREY GAHAN, President
Common Council, City of New Albany

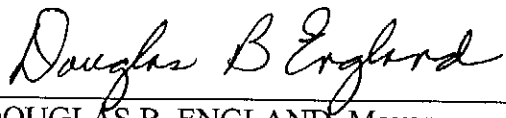
ATTEST:


MARCEY J. WISMAN, City Clerk

The foregoing Resolution was passed by the Common Council of The City of New Albany, Indiana on Jan. 1, 2008 and was presented by me to the Mayor of The City of New Albany, Indiana on Jan. 1, 2008 at New Albany, Indiana.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana


Approved and signed by me Douglas B. England, Mayor of The City of New Albany, Indiana this 18 day of January, 2008.


DOUGLAS B. ENGLAND, Mayor
City of New Albany, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

I, Marcey J. Wisman, City Clerk of The City of New Albany, Indiana, do hereby certify the above and foregoing is a full, true and complete copy this Resolution passed by the Common Council of The City of New Albany, Indiana on the 17 day of January, 2008 by a vote of 6 ayes and 3 nays, which was signed by the Mayor of The City of New Albany, Indiana on the 18 day of January, 2008 and now remains on file and on record in my office.

Witness my hand and the Official Seal of The City of New Albany, Indiana on this 18
day of January, 2008.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana